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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,048	12/16/2003	Douglas G. Seymour	03-2-315	7677

7590 08/14/2006

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EXAMINER

STERLING, AMY JO

ART UNIT PAPER NUMBER

3632

DATE MAILED: 08/14/2006

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/737,048  
Filing Date: December 16, 2003  
Appellant(s): SEYMOUR ET AL.

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William McNeill  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 6/8/06 appealing from the Office action  
mailed 1/20/06.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

No amendment after final has been filed.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

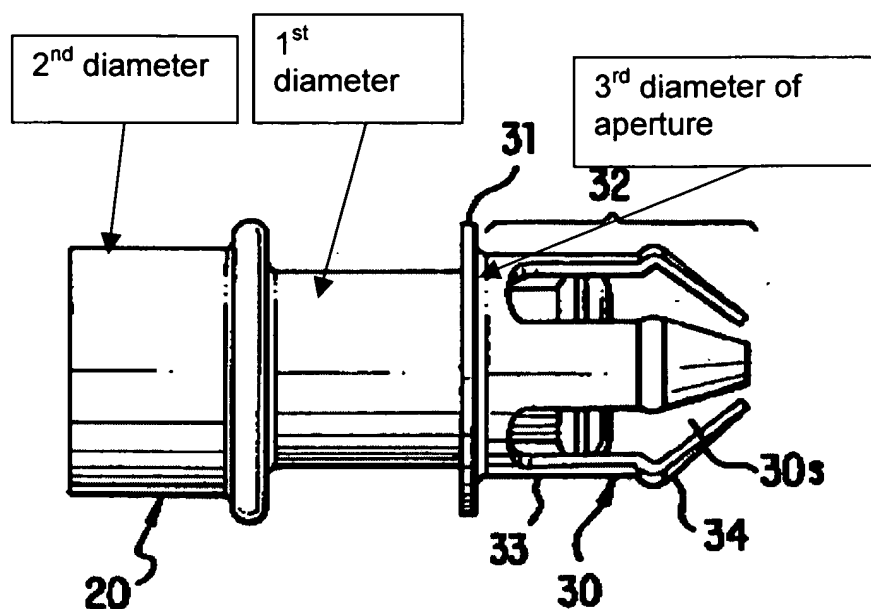
**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 6189407 to Champ et al.

The patent to Champ et al. discloses a metal (Col. 9, line 4) electrical connector having a body (20) with two diameters (See Figure Below), the second being larger than the first.

The patent to Champ et al. also teaches a support (30), having a major part (31) that is a substantially rigid and has an aperture having a center opening with a third diameter larger than the first, but smaller than the second diameter, and a plurality of deflectable spokes (34) which diverge away from a plane of the major part of the support, the second diameter of the connector limiting the movement of the connector through the support (30).

**FIG. 1****(10) Response to Argument**

The applicant has argued that that Champ et al. does not teach a first diameter with a diameter smaller than the aperture diameter. (See Appeal Brief, page 3, lines 22-23). This is unpersuasive in that the first diameter (as shown in the marked Figure 1 of the Champ et al. reference, See Above) is smaller than the aperture because the support (30) slides onto the first diameter. It would be impossible to do achieve this structure if the aperture diameter was not at least slightly greater than the first diameter.

The applicant has also argued that "it is a matter of common sense that a "first diameter" would occur at a leading edge of a connector and not in the middle" (See Appeal Brief, page 3, line 25-26). Absent any reasoning or claim limitation as to why the first diameter must defined as the first diameter at the leading edge, this argument is also unpersuasive.

The applicant has also argued that "every diameter...of Champ et al. is larger than the spoke end" of the support (See Appeal Brief, page 3, lines 28-29). This argument mistakenly refers to the aperture diameter as the "spoke end" and according to the rejection above, it has not been defined as such. Therefore, this argument is also unpersuasive.


The applicant has argued that the Champ et al. reference does not allow "the first diameter of the push-through portion of the applicants' connector to penetrate applicant's spoked aperture with any scoring or damage at all caused by applicants' spokes 26" (See Appeal Brief, page 4, lines 6-8). This is unpersuasive because the terms "damage" or "scoring" are not claimed and the applicant is arguing a concept which is narrower than the limitations claimed.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

  
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AU 3632 7/26/06  
Primary Examiner

Conferees:

Pete Cuomo   
Lanna Mai 